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Committee on Economic, Social and Cultural Rights

Fifty-eighth session

Summary record of the 26th meeting

Held at the Palais des Nations, Geneva, on Wednesday, 8 June 2016, at 3 p.m.

Chair: Mr. Sadi

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The meeting was called to order at 3.05 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Second periodic report of Honduras (E/C.12/HND/2; E/C.12/HND/Q/2 and Add.1)

1. *At the invitation of the Chair, the delegation of Honduras took places at the Committee table.*

2. **Mr. Cardona** (Honduras) said that, first and foremost, he wished to express his Government's regret over the murder of two human rights defenders in Honduras, René Martínez and Berta Cáceres. He hoped that in both cases the judicial system would soon identify and convict those responsible.

3. Over the past five years, Honduras had introduced a wide range of laws and policies to promote human rights. In addition, a number of steps had been taken to address corruption and to promote transparency; for example, an agreement had been signed with the Organization of American States (OAS) to set up a support mission to tackle corruption and impunity in Honduras. The recommendations of two universal periodic reviews had been incorporated into the National Action Plan on Human Rights and the State party had received visits from seven different United Nations special rapporteurs over the past two years. The Office of the United Nations High Commissioner for Human Rights had opened an office in Honduras.

4. In cooperation with the European Union, the Oxford Poverty and Human Development Initiative and civil society, the Government was working to introduce a multidimensional methodology to tackle poverty. Social investment targeted persons living in extreme poverty, with 18.9 per cent of the national budget having been earmarked for the development and social investment sector in 2016. Between 2005 and 2015 there had been a 2.6 per cent decrease in extreme poverty and a 0.7 per cent decrease in poverty, despite the adverse effects of the El Niño phenomenon in 2014 to 2015.

5. The Government had made significant efforts in a short period of time to protect the first of all human rights: the right to life. As a result, the homicide rate had fallen from 86.5 homicides per 100,000 inhabitants in 2011 to 56.74 in 2015.

6. The Constitution of Honduras reflected the multicultural and multilingual character of the State, which had seven indigenous peoples and two peoples of African descent. A policy on racism and discrimination had been adopted in April 2016 and a draft law on prior, free and informed consent was in the process of being drafted and presented to the indigenous peoples. Between 2001 and 2015, the Government had issued 158 land titles to indigenous peoples. In April 2016, 11 land titles covering an area of over 1 million hectares had been handed over to territorial councils of the Misquito indigenous people. The intercultural education sector had been granted funding amounting to US$ 700,000 in 2016; 282 bilingual intercultural education centres had been established and 12 secondary schools had been opened to serve indigenous and Afro-Honduran communities.

7. The Second Equality and Gender Equity Plan of Honduras had been implemented by municipal women's offices across the 34 municipalities with the highest rates of violence. It was planned to increase coverage to 60 municipalities in 2016. The Women's City Programme, which provided a range of services to women survivors of violence, was being expanded. Public employees had continued to receive training in human rights and non-discrimination in 2015. The proposed new Criminal Code was currently before the National

Congress and had been revised to criminalize discrimination on the grounds of sexual orientation and gender identity.

8. In 2013 a policy had been approved to provide comprehensive protection to persons with disabilities. A number of programmes were being implemented to ensure that people with disabilities enjoyed equal treatment and full recognition as subjects of law. Notable among those programmes was "Honduras Inclu 100%", a geolocalization project for people with disabilities which was due to be launched nationally in June 2016.

9. The Better Life Platform formed the basis of the Government's efforts to raise the standards of living of the most vulnerable, poorest households. The Platform focused on three areas: a guaranteed income; decent housing; and food and nutrition security. It had benefited 1.2 million poor, very poor and vulnerable households in the two years it had been operational. Some 220,000 units of decent housing had been handed over; over 250,000 of the poorest households received the Better Life financial benefit; and 50,000 Hondurans had been able to start their own business thanks to the Presidential Solidarity Credit Programme. The budget available to the public health system to purchase medication had been increased by 125 per cent in 2015. Access to health-care services had also improved, with approximately 80 per cent of the population now covered by health insurance.

10. Over the past five years the Government had made significant progress in guaranteeing the right to education, including by promoting the inclusion of traditionally marginalized groups. In 2016, the budget allocated to the Ministry of Education accounted for over 5 per cent of the national budget.

11. Lastly, he reaffirmed his Government's firm commitment to following up on the recommendations the Committee would be making following the current dialogue, which would be incorporated into the National Action Plan on Human Rights.

12. **Mr. Mancisidor de la Fuente** (Rapporteur) said that the Committee appreciated the fact that the delegation was composed of many high-level members of the Government and was gender-balanced. The presence of a large number of representatives of NGOs and the media at the meeting was very positive and clearly showed a high level of interest in the human rights situation in the State party. However, the significant delay in submitting the State party's second periodic report was regrettable and the Government should strive to avoid such delays in the future.

13. Since its last meeting with the Committee, the State party had experienced a number of political and social difficulties, characterized by violence against women and human rights defenders, poverty, discrimination governance-related problems, corruption and even impunity. While the Government had stated that civil society had been involved in drafting the report, alternative sources of information claimed that the process had not been participatory and that there had not been sufficient involvement of indigenous organizations. He wished to know how the Government would ensure that the voices of civil society and in particular of indigenous activists were heard. Concerning the draft law on prior, free and informed consent, the Committee would very much welcome a law that complied with the relevant international standards and incorporated the views of civil society and indigenous persons.

14. Noting that the National Human Rights Commission had been granted B-status by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, he would like to know what was preventing it from obtaining A-status.

15. The Committee was pleased to hear that the courts in Honduras had specifically invoked the Covenant in their judgments. He hoped that training and awareness-raising activities for both the judiciary and the general public would continue in the future.

16. Noting that each State party had an obligation under the Covenant to take steps to the maximum of its available resources with a view to achieving progressively the full realization of the rights recognized in the Covenant, he said that the Committee would like to know if progressive taxation policies had been put in place for all companies, including international companies, to ensure that sufficient funding was available to implement the Covenant.

17. Lastly, he urged the State party to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

18. **Mr. De Schutter** said he realized that climate change was a significant concern for the State party and that in order to reduce poverty it was essential to mitigate the impact of the repeated droughts witnessed in recent years as a result of El Niño. He would like to know to what extent the Government had shifted its focus away from post-disaster action and towards measures to prepare for subsequent droughts. How had human rights been taken into consideration when drawing up plans to prepare for the impact of climate change? He would also like to know how the public sector strategy on food security had been strengthened and adapted to better react to droughts in the future. Had measures been implemented to improve the access of peasant farmers to financial instruments intended to support them in dealing with climate change?

19. **Ms. Bras Gomes** said that the Committee would like to know how the Government intended to involve civil society in the follow-up to the Committee's concluding observations. Given that the process of drafting a law on prior, free and informed consent was taking longer than expected, she would also like to know what was being done in the meantime to ensure that such consent was obtained where necessary.

20. The Committee would like to know what was being done to better tackle discrimination. Did the State party have a legislative and operational framework in place to specifically prohibit discrimination? In light of the high levels of poverty and inequality in the State party, the issue of the allocation of resources was another of the Committee's concerns. In particular, the Committee had been informed that there had been a much larger increase in the State budget for defence and security than in the budget for health and education. Was the Government really using the maximum available resources to advance economic, social and cultural rights?

21. **Mr. Uprimny** said that, while he welcomed the delegation's acknowledgement of the murder of the high-profile human rights defender Berta Cáceres, he would like to know what progress had been made in the investigation in that case. He would also like to know what concrete measures would be taken to protect the lives of human rights defenders and tackle impunity, and whether the Government planned to set up a high-level special prosecutor's office to investigate killings of human rights defenders. He asked what legal protections were in place for lesbian, gay, bisexual and transgender persons, particularly with regard to employment discrimination and equal rights for same-sex partners. He also wished to know the rank of the 20 civil servants who had been convicted of corruption, and whether anyone had been convicted over the embezzlement of US$ 350 million from the Honduran Social Security Institute.

22. **Ms. Shin** asked how many cases of femicide had been identified following its inclusion as a separate offence in the Criminal Code; how many cases of rape had been reported; whether there had been any prosecutions or convictions in those cases and, if so, what sentences had been handed down; how many women's shelters there were in the country, and how many women they could accommodate; whether such shelters were

funded by the Government or by NGOs; what policies were in place to protect women from violence; and what training and awareness-raising activities in that area were provided for law enforcement officials.

23. **Mr. Abdel-Moneim** asked whether the level of foreign assistance as a percentage of the financial resources available in the State party had changed since the previous report; whether the US$ 239 million available for the implementation of the United Nations Development Assistance Framework 2012-2016 was sufficient; why the contributions from the United Nations system for that purpose were so low; and to what extent foreign assistance had enabled the State party to construct the economic infrastructure required to fulfil its commitments under the Covenant.

24. **Ms. Bras Gomes** asked whether the State party would consider replacing the many employment initiatives currently in place with a single national employment plan which would rationalize the use of resources in that area; whether the Government intended to continue the National Hourly Employment Programme on a regular basis; whether any adjustments had been made to the minimum wage in sectors other than the maquila industry; whether the minimum wage had been reviewed and whether it was regularly indexed; why women earned less than men even in high-paid jobs; whether the benefits provided by the Honduran Social Security Institute had been broadened to provide more than old-age, disability and death benefits; what percentage of the population was covered by the social security system; what risks the system covered; and whether people working in the informal sector were also covered. The Committee would also like to know what measures would be taken to prevent a recurrence of fraud within the social security system.

25. **Mr. Zerbini Ribeiro Leão** asked what the results of the agreement on investment promotion, employment protection, health care and access to housing for people working in maquilas had been; whether any statistics on the results of the agreement were available; where the remainder of workers were employed, given that the figures in the report only added up to 60 per cent of the workforce; whether any disaggregated data on the remainder of the workforce were available; and whether there was any specific legislation in place to protect agricultural workers, particularly in the area of health and safety.

26. **Mr. Martynov** asked what the specific provisions, time frame and targets of the Act on Protection, Benefits and Regularization of Informal Activities were; whether any statistics were available on the impact of the Act on the informal economy since its adoption; what the employment rate for people with disabilities was; how legislation on persons with disabilities had affected their employment rate; how employment quotas for persons with disabilities were enforced; what the level of implementation of the quotas was in the public and private sectors; what percentage of employers were implementing legislation on the minimum wage; and whether the social security system had increased its coverage levels, which in 2001 had stood at less than one third of the population.

27. **Mr. Mancisidor de la Fuente** (Country Rapporteur) asked what mechanisms were in place to ensure that the minimum wage was high enough to enable workers to make a decent living for themselves and their families; how the minimum wage level was assessed against the cost of the basic food basket; what legislation, protection and inspection measures were in place for domestic workers; and whether the current inspection systems were sufficient to ensure that legislation in that area was enforced.

28. **The Chair** asked to what extent the Covenant was taken into account in ministerial decisions.

29. **Ms. Cueva** (Honduras) said that the Government had made great efforts over the previous two years to reduce delays in submitting reports to the human rights treaty bodies, and had set up the Special Response Group on Human Rights, which brought together treaty response bodies and civil society organizations. Work was continuing on dialogue to

monitor human rights policies and the National Action Plan on Human Rights, particularly at the local level and in areas where human rights defenders were active; that work drew on the Handbook on Democratic Dialogue produced by the United Nations Development Programme and a number of other development agencies.

30. **Mr. Gonzales** (Honduras) said that, as far as consultations with indigenous groups were concerned, the Government had signed an agreement with the Confederation of Indigenous Peoples of Honduras, and the previous week had met with representatives of all nine indigenous groups in the country, as well as with representatives of the international development community. The aim of the consultation process was to guarantee ongoing participation at every stage of the drafting of the new law on prior, free and informed consent; it was hoped that the bill would be presented to Parliament on 9 August 2016, the International Day of the World's Indigenous People.

31. **Ms. Cueva** (Honduras) said that the strengthening of the Office of the National Human Rights Commissioner was dependent on the allocation of sufficient budgetary resources. Ongoing local participation was important in maintaining a relationship with people who made allegations of human rights violations, and the Government recognized the importance of continuing to strengthen the involvement of civil society organizations and protected groups in the work of the Ombudsman. Decree Law No. 266 of 2013 had established a new institutional architecture to ensure coordination in that area, and the new Ministry of Human Rights, Justice, Interior and Decentralization had a mandate to maintain continuous cooperation with local governments. Five municipal governments were already implementing the National Action Plan on Human Rights, offering training and putting the manual on human rights into practice.

32. **Mr. Cardona** (Honduras), noting that the Government had introduced measures to deal with the high fiscal deficit at a time when it was not in receipt of loans from international financial institutions, and had increased sales tax from 12 per cent to 15 per cent to fund its new social programmes, said that the national budget needed to be used as efficiently as possible.

33. **Mr. Manzanares Rojas** (Honduras) said that consultations undertaken with the Standing Commission on Disaster Preparedness, which had been established in the wake of Hurricane Mitch in 1998, had resulted in legislation creating a national risk management system. The system provided an effective platform for a rapid, coordinated response to disasters, facilitated collaboration with international agencies, and promoted respect for human rights in the aftermath of natural disasters.

34. **Mr. Izaguirre Velasquez** (Honduras) said that the early-warning system of the Honduran National Risk Management System had undergone an evaluation led by the United States Southern Command. The country's network of weather stations was being built up to ensure that evacuations could proceed in a timely fashion in the event of catastrophic flooding or other natural disasters. An inter-institutional committee was working on ways to mitigate the effects of climate change, such as drought. In the area of the country known as the dry corridor, for instance, the development of water capture and storage systems was being promoted.

35. **Mr. Manzanares Rojas** (Honduras) said that environmental permits were awarded only after a mandatory consultation period. If the persons living in areas affected by a proposed extractive project objected to a given proposal, it would not get off the ground. Even operations that had already gotten under way could be suspended if members of local communities so demanded.

36. **Mr. Gonzales** (Honduras) said that the Government had made extraordinary efforts to adopt a national policy to combat racism and further the advancement of Afro-Hondurans and indigenous peoples. It was a model policy that would enable Honduras to

ensure the participation of Afro-Hondurans and indigenous people in all matters affecting them and in the life of the country in general.

37. **Mr. Cardona** (Honduras) said that his Government regretted that it had been taking so long to ratify the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169). He expected a law establishing a mechanism for prior consultation to be adopted in the coming months.

38. **Ms. Cueva** (Honduras) said that the Criminal Code had been amended to establish penalties for discrimination and to require the courts to consider as general aggravating circumstances the commission of an offence motivated by hostility towards the victim as a result of the victim's membership or presumed membership of a given social group. The articles containing those amendments had been included in the proposed new Criminal Code.

39. **Mr. Cardona** (Honduras) said that the share of the 2016 budget allocated to the Ministry of Defence was considerably less than that allocated to the ministries responsible for health, education and social inclusion.

40. **Ms. Cueva** (Honduras) said that the Act on the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials had been adopted in April 2015 and that work on the implementing regulations had begun the following month. Some months later, however, in view of petitions submitted by a number of civil society organizations, the National Council for the Protection of Human Rights Defenders had reviewed the proposed regulations and decided to redraft them. She understood that the Council had committed to adopting the regulations the previous day but had not yet heard whether it had actually done so. Ten million lempiras, or about US$ 440,000, had been set aside for efforts to implement the Act, and 32 people, including human rights defenders and journalists, were already enjoying protection under the protection mechanism established by the Act. Five people had recently been detained on suspicion of involvement in the killing of Berta Cáceres. The investigation was ongoing, however.

41. **Mr. Cardona** (Honduras) said that the Government of Honduras had signed an agreement with Transparency International aimed in part at combating corruption in public procurement. In addition, the OAS Mission to Support the Fight against Corruption and Impunity in Honduras had begun its work in the country only a few weeks earlier. One of its responsibilities would be to supervise the work of the country's newly approved anti-corruption courts. Government ministries were required to disclose all expenditures.

42. Former members of the board of the Honduran Social Security Institute, which had endured serious difficulties as a result of official corruption, were currently facing charges, and the Institute's former director was in prison. One of the goals of the recently adopted Framework Act on Social Protection was to expand social security to cover all Hondurans.

43. **Ms. Cueva** (Honduras) said that the adoption of the Second Equality and Gender Equity Plan of Honduras 2010-2022 had involved the establishment of municipal women's offices throughout the country, initially in municipalities with high rates of violence against women and later in several dozen others. The newly established Technical Criminal Investigation Agency, which had been allocated supplementary human and financial resources in 2016, investigated incidents of femicide. In 2015, convictions had been secured in 41 cases of femicide or attempted femicide. Coordinated efforts to prevent violence against women were being made by the National Institute for Women and the Ministry of Security.

44. **Ms. Prudott** (Honduras) said that the Centre for Support and Protection of Women's Rights had been established to prevent violence against women and provide assistance to victims. Recreational programmes for young people had been set up in

municipalities with high rates of violence against women with a view to promoting cooperation, teamwork and camaraderie. Other programmes had similar goals. Moves had been made to control firearms more strictly.

45. **Mr. Cardona** (Honduras) said that although he shared Mr. Abdel-Moneim's concern about the relatively meagre amount of development assistance funds provided to Honduras by the United Nations system, he was certain that his country's pursuit of the Sustainable Development Goals would provide ample opportunity for enhanced cooperation with the United Nations.

46. **Mr. Madero Erazo** (Honduras) said that Honduras had a wide array of job-creation programmes designed for specific sectors. Some programmes focused on creating jobs in rural areas, where unemployment was higher, while others promoted investment in potentially productive sectors of the economy. Employers benefiting from the National Hourly Employment Programme were required to move their temporary employees into permanent positions within four years. The Government had not intervened in the three most recent rounds of negotiations held by workers and employers to set the country's various minimum wages.

47. In 2015, the Government had introduced a law requiring employers to pay men and women the same salary for the same work. The Framework Act on Social Protection had been adopted and made special provision for social security, pensions and health care. The minimum wage for workers in maquilas had been successfully negotiated, and the Government was providing one third of the funding required to build social housing for them. The budget for labour inspections had been increased to allow for the recruitment of at least 50 additional inspectors. Although non-salaried workers were already covered by existing legislation, they would be granted the right to a minimum level of social security coverage under a new law due to come into force later in 2016. The Government operated a quota system to increase the representation of persons with disabilities in the workforce and had developed a scheme, "Empléate Plus", to help them into employment. Legislation would soon be introduced to protect the rights of domestic workers. Although only 20.5 per cent of the population benefited from some form of social security, the Framework Act on Social Protection was aimed at widening access. The Hourly Employment Act already covered workers' rights and entitlements. The Government had established a mechanism to monitor employers' compliance with their obligation to pay the minimum wage. The recent increase in the rate of compliance was in large part due to the promotion of productive dialogue between employers and employees. The Honduran negotiation model was probably one of the most developed in Central America, since it was not limited to the agreement of workers' salaries, but also included consideration of their rights and entitlements.

48. **Ms. Cueva** (Honduras) said that recommendations made by the United Nations human rights treaty bodies and inter-American human rights bodies were reflected in the National Action Plan on Human Rights. The Government was preparing to introduce a system, based on the SIMORE system in Paraguay, to monitor the implementation of recommendations from international and regional human rights protection mechanisms. A standing technical committee would ensure that recommendations were translated into public policy options and annual working plans. In 2017, the Government would conduct an impact assessment of its human rights policy.

49. **Mr. De Schutter** said that the Committee was seriously concerned by conflicts over resources, including land and water, between peasant farmers and large-scale exporters, particularly exporters of palm oil in the Lower Aguán Valley, where some 120 peasant farmers had been killed over the previous five years. The State party had informed the Committee that the security forces were sometimes involved in resolving such conflicts, a solution that risked militarizing affected regions. The problem would be better addressed by

a more structural approach. The State party's economy was dependent to a high degree on the export of agricultural products, in particular coffee, bananas and palm oil, and the volume of its agricultural exports had increased by 10 per cent over the previous four years. The Government had also introduced legislation to protect the interests of foreign investors, which risked worsening conflicts over land and water. The Committee would like to know how the policies designed to attract investors were compatible with the aim of protecting the interests of peasant farmers and whether the State party intended to improve their access to resources.

50. An estimated 1.5 million Hondurans faced hunger at least once a year, and poor families and families in which parents had a low level of education were disproportionately affected. The Committee would like to know what had been achieved by the adoption in 2011 of the Food and Nutrition Security Act, a law seeking to establish an institutional framework for tackling food poverty.

51. **Mr. Pillay** said that, despite requests made in the list of issues, the State party had failed to provide the Committee with disaggregated statistical information on the poverty rate and information on the results of its anti-poverty measures with reference in particular to disadvantaged and marginalized groups. The delegation should provide the requested information. Although there had been a reduction in the rate of extreme poverty, the general poverty rate remained at the very high level of 64 per cent in rural areas and 63 per cent in urban areas, which was coupled with a very low level of social security coverage. Despite the State party's assurances that forced evictions were rare, the Committee had received reports of a number of cases in which the Government had not compensated the affected parties, had failed to provide alternative housing arrangements, and had used force, including military force, to conduct the evictions. The State party's actions had been in violation of international standards and the Committee's general comment No. 7 on the right to adequate housing.

52. **Mr. Zerbini Ribeiro Leão** said that the Committee would like to know the extent of gang violence, what measures had been taken to combat the problem and what was being done to prevent children from becoming involved in gang violence.

53. **Mr. Uprimny** said that, although the Government's overall tax receipts were relatively high, its taxation policy seemed socially regressive. According to a report in 2011, the poorest Hondurans spent 50 per cent of their income on tax, whereas, for the wealthiest, the rate was only 25 or 30 per cent. The State party would find it difficult to combat poverty without reforming its taxation system. The Committee would like to know to what extent the social welfare system was based on rights, since it had received reports that, in practice, welfare payments were offered with implicit conditions attached as part of a system of political patronage. The legislation governing abortion was extremely restrictive and included a ban on the abortion of fetuses conceived by rape. Did the Government intend to amend the legislation?

54. **Ms. Shin**, noting that many children in Honduras were involved in the worst forms of child labour, said that the Committee would like to know the results of implementing the road map for the prevention and eradication of child labour. Information was also needed on the measures in place to protect street children from being trafficked or killed or falling into a life of crime. Given that the ban on abortion in all circumstances was likely to increase the rate of maternal mortality by forcing desperate women to undergo unsafe abortions, it would be useful to know whether it was at least possible for women to access emergency contraceptives. The Committee had recently issued its general comment No. 22 (2016) on the right to sexual and reproductive health.

55. **Ms. Ravenberg** said that indigenous peoples experienced severe inequality, as evidenced by their very low average life expectancy — 36 years for women and 43 years

for men versus the national average of 72.47 years for women and 69.23 for men. The Committee had been informed that 95 per cent of indigenous children aged under 14 suffered from malnutrition. Had any research been conducted on the causes of the low life expectancy of indigenous peoples? If so, what measures had been taken to improve their physical and mental health? According to the Food and Agriculture Organization of the United Nations and the Pan American Health Organization, 1.4 per cent of children under 5 years of age suffered from acute malnutrition, 5 per cent from obesity, 10 per cent from global malnutrition and 31 per cent from stunted growth. Although a National Food and Nutrition Security Strategy had been approved in 2010 and the Food and Nutrition Security Act had been adopted in 2011, both texts lacked a human rights perspective and their effectiveness had been limited. The Committee would like to know how the Government's food and nutrition policy worked in practice and whether it had been evaluated or adapted.

56. **Mr. Kerdoun** said that the Committee had not received responses to a number of its questions on education, including its questions on the budget, school enrolment and the implementation of the Guardians of the Nation programme. Furthermore, some of the statistical information provided by the State party seemed to be contradicted by other sources. Overall, the educational provision in Honduras was unsatisfactory. Many children dropped out of school or had to repeat an academic year, enrolment rates had fallen in secondary schools, and strikes by teachers frequently reduced the effective number of school days. Ultimately, access to education was linked to poverty. In the light of the disappointing results of the 2010 plan to reform the educational sector, the Committee would like more detailed information on the sectoral education plan for the period 2016-2030.

57. **Mr. Uprimny** said that social inequality was a major obstacle to equal access to education. Although the State party had formulated a plan to improve the provision of preschool education, more specific information on its proposed implementation was needed.

The meeting rose at 6 p.m.